7097180/2023/VIG-III-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - MA&UD Department – Tanuku Municipality – Sri B.Balaswamy, the then Municipal Commissioner, Tanuku Municipality, West Godavari District - Disciplinary Proceedings instituted under Rule-20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 for allowing unauthorised constructions made in deviations/violations of Rules – Inquiry conducted - Further action dropped - Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.III) DEPARTMENT

G.O.Rt.No.37 **Dated.23.01.2023**

Read the following:-

1. From the DTCP, A.P., Hyd., Lr.No.11723/2011/M2, Dt.25.09.2012
2. From the CDMA, A.P., Hyd., RoC.No.23833/2011/C1, Dt.09.12.2014 and 23.02.2015.
3. G.O.Rt.Nos.401, MA & UD (Vig.II.2) Dept., Dt.18.16.2015.
4. G.O.Rt.No.63 & 64, MA&UD (Vig.I) Dept., dt.03.02.2020
5. From Sri N.V.V.Satyanarayana Rao, RDMA, Rajamahendravaram & Enquiry officer, Lr.Roc.No.4467/2021/NVVSR, dt.04.04.2022.
6. Govt.Memo.No.23254/Vig.III/2012, dt.10.05.2022.
7. Written representation of Sri B.Balaswamy, the then MC, Tanuku Municipality, dt.06.12.2022.

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ORDER :-

Based on the report of the Director of Town and Country Planning and Commissioner & Director of Municipal Administration, A.P., Hyderabad in the references 1st & 2nd read above, Government initiated disciplinary proceedings against Sri B.Balaswamy, the then Municipal Commissioner, Tanuku Municipality, West Godavari District on the allegation of un-authorized constructions of Apartments / Commercial complexes in deviation from approved plans in Tanuku Municipality, under Rule – 20 of A.P.C.S (CC&A) Rules, 1991 with a direction to submit his written statement of defence, vide reference 3rd read above. Subsequently, Government appointed an Inquiry officer to inquire into the charges framed against the charged officers, vide reference 4th read above.

2. In the reference 5th read above, the Inquiry Officer submitted his inquiry report. Government after careful examination of the inquiry report, have accepted the inquiry report and communicated a copy of the Inquiry report to the charged officer Sri B.Balaswamy, the then Municipal Commissioner, Tanuku Municipality, West Godavari District for his written representation in terms of Rule 21(2) of APCS (CCA) Rules, 1991, in the reference 6th read above.

3. In the reference 7th read above, the charged officer has submitted his written representation on the findings of Inquiring Authority and among others, he has stated that as per the job chart, he is the Executive authority and his duties are in supervisory nature and accordingly he discharged his duties. The primary responsibility to Town Planning Wing in ULB is to identify the unauthorized constructions/building deviations/violations to the sanctioned plan and bring to his notice. Accordingly, he issued notices, as per the Act and charge-sheeted as well as penalized the building owners in the court of law. The partly proven charges are based on assumptions/presumptions which cannot stand before the legality. The Presenting Officer also confirmed his version and therefore requested to drop further action against him; keeping in view the precedent cases.

Contd.,

4. Government have examined the written representation and observed that the charges framed against Sri B. Balaswamy, former MC, Tanuku Municipality were partly proved. The primary responsibility of the TPBO/TPSs of the town planning wing in the ULB is to identify the unauthorized constructions/building deviations /deviation to the sanctioned plan and brought to the notice of the Executive Authority i.e., MC. The IA held that there is a slack supervision and presumed that the Town Planning staff had not bring into the notice for demolition of deviated portions or otherwise. He held that the charged officer, being an executive authority, took required action by issuing Provisional and Confirmation notices and also filed charge sheets/STCs before the Hon'ble Court against the owners of all deviated buildings, as per Section 228 of AP Municipal Act, 1965. Hence the charged officer took action as per the Act and Rules but with certain slackness.

5. Government after careful examination of the findings of Inquiring Authority and written representation of the Charged Officer have decided to drop further action against Sri B. Balaswamy, former Municipal Commissioner, Tanuku Municipality, West Godavari District and to warn him to be more careful in future.

6. Accordingly, Government hereby drop further action against Sri B. Balaswamy, former Municipal Commissioner, Tanuku Municipality, West Godavari District with a warn to be more careful in future.

7. The Commissioner and Director of Municipal Administration, AP., Vaddeswaram shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B. Balaswamy, former Municipal Commissioner, Tanuku Municipality, West Godavari District **through** the CDMA, AP, Vaddeswaram.
The Commissioner and Director of Municipal Administration, AP, Vaddeswaram.

Copy to:

The Director of Town and Country Planning, A.P., Mangalagiri.
The RDMA, Rajamahendravaram.
The Commissioner, Tanuku Municipality.
Sf/Sc (777384).

// FORWARDED :: BY ORDER //

SECTION OFFICER